IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.9 of 2006
In
Criminal Contempt Petition No.6 of 2005

Anil Bhovad, Editor, Applicant
Dainik Lok Adhikar‘ (Org. Respondent)
Vs.
V.A.Thorat, Respondent
Advocate General of Maharashtra (Org. Petitioner)

Mr.M.R.Deshpande for applicant-org.respondent.
Mr.B.H.Mehta, APP for State.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.
September 12, 2006.

P.C.

. When Contempt Petition No.6 of 2005 had come up before this Court on 24th July 2006, the learned APP was directed to place on record English translation of the articles dated 12th to 18th September, 2004, 19th to 25th September, 2004, 26th September, 2004 to 2nd October 2004 and Diwali issue of November, 2004 of the Marathi weekly "Lok Adhikar" and also translation of the letter dated 31/8/2004 made to the Hon’ble Chief Justice, within a period of four weeks. The petition was made to stand over till 28th August 2006.

. However, the petition was not listed on 28th August 2006 and instead it came up before the Division Bench on 29th August 2006. As per the applicant he was present before this Court on 28th

August 2006 and as the matter was not listed on board, he left the Court premises and not being aware that the petition would be listed on 29th August 2006, he remained absent on that date. It was under these circumstances that bailable warrant in the sum of Rs.1,00,000/- with one surety in the like amount was issued against the respondent-applicant and it was made returnable today. As per the office record the warrant has not yet been received back duly executed or otherwise. The respondent is present before the Court and prays for recall of the order dated 29th August 2006.

. Mr.Deshpande, the learned counsel for the respondent - applicant assures the Court that the respondent shall remain present on the next date i.e. 19th September 2006 when the Contempt Petition will be finally heard and decided. We record the said assurance and the respondent also has given an undertaking before us that he would remain present in the Court on 19/9/2006.

. Hence the Criminal Application is allowed in terms of prayer clause (b).

(NARESH H. PATIL,J.) (B.H.MARLAPALLE